IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1028 of 1994

For Approval and Signature:

HON'BLE MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHALABHAI GORDHANBHAI ODIA

Versus

G S R T C

Appearance:

1. Special Civil Application No. 1028 of 1994

MR MUKESH H RATHOD for Petitioner No. 1-12

MR HARDIK C RAWAL for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE K.M.MEHTA

Date of decision: 18/06/2004

ORAL JUDGEMENT

1. Shri Odia Bholabhai Gordhanbhai and others, petitioners have filed this petition under Articles 226 and 227 of the Constitution of India, with a prayer that

this Court may issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ, order or direction, setting aside the entire selection made by the Divisional Selection Committee for the post of Conductor held on 12.10.1993, 13.10.1993 and 14.10.1993 at Amreli Division and direct the respondents to hold fresh selection in respect of the candidates according to the norms. The petitioners further prayed that the respondents be directed to hold fresh selection for the post of conductors.

2. The facts giving rise to this petition are as under:-

2.1 It is a case of the petitioners that in response to the advertisement issued by the Gujarat State Road Transport Corporation - respondent No.1 herein in Amreli Division for the post of conductors, the petitioners, who are qualified candidates as per the advertisement, applied to the post of conductor in the prescribed form issued by the respondent Corporation. The petitioners had filled up the said form and submitted to the respondent Corporation and thereafter the respondent corporation has called to the petitioners to appear in the written test for the Conductor category.

2.2 The petitioners received a letter from the respondent Corporation dated 25.5.1993 wherein the petitioners were called for the written test for the post of Conductor. The petitioners appeared in the written test which was taken on 6.6.1993 and all the petitioners were successfully declared passed in the said written examination for the post of Conductor. Thereafter the respondent Corporation has called the petitioners for the oral interview vide letter dated 29th September, 1993, to the petitioners. The oral interview was fixed on 12th October, 1993.

2.3 The petitioners have challenged the process of selection committee for calling interview on the following grounds:

(1) The petitioners submit that in the Group Interview, the Member of the Selection Committee has not asked any question relating to the merits of the Conductor work but only informal questions in respect of the name, address, caste and other irrelevant details were asked to the candidates and the said oral interview which was taken in group was finished shortly.

(2) According to the petitioners there was no individual interview taken by the Selection Committee and therefore the method of the group interview which was adopted by the Selection Committee itself is wrong, illegal and arbitrary. It was further submitted that the Selection Committee has not prescribed any norms in connection with the interview.

(3) The petitioners further submit that in the oral interview, individual candidates has not been examined properly in respect of the merits for the work of Conductor and there was no norms that how many marks for passing the oral interview are required and how many marks are required to be obtained in the written test.

(4) The petitioners further submit that the Selection Committee has published the result of the said selection on 14.10.1993 and the said results has been published by the Divisional Selection Committee to select 189 Conductors in the said selection, but in the said lists, the names of the petitioners were not there. The respondents also further published list of 34 conductors on 18th October, 1993, and same was published on notice board of Amreli division.

(5) The petitioners have contended serious malafides against the Selection Committee and contended that the Selection Committee has taken into consideration irrelevant fact in this behalf. Thereafter the petitioner addressed a legal notice on 23.10.93 alleging illegality of the Selection Committee. The respondents has replied to the said notice on 6.12.93.

2.4 In view of the aforesaid submissions, the present petition has been filed by the petitioner before this Court on 26th December, 1993.

3. When the petition was filed this Court issued rule and also issued notice as to interim relief returnable on 28th January, 1994. On 18th August, 1994, when the matter was heard, Mr.S.N.Shelat, learned advocate appearing for the respondent Corporation states that appointment of the Conductors, pursuant to the selection made by the Selection Committee on 12.10.1993, 13.10.1993 and 14.10.1993 have since been effected and therefore no interim relief was granted.

4. In view of the aforesaid Rule, on behalf of Corporation one Mr.M.M.Mehda, Administrative Officer of the respondent Corporation has filed a detailed affidavit on 18th June, 1994, in this behalf.

4.1 The Corporation has denied that there is any malpractice involved in the selection or any favouritism practised and/or that the Selection Committee has acted arbitrarily as alleged. It was submitted that the petitioners were considered at the selection and they have not been found fit and this Court may not sit in appeal over the decision of the Selection Committee. It has been submitted that the entire selection has been undertaken bonafide and in the interest of the Corporation.

4.2 It was further submitted that the selection to the post of Conductor is to be made pursuant to GSO-999 of 1993 which has been annexed at Annexure "A" to the affidavit. Pursuant to the said GSO, a written examination was held and the marks obtained at the written examination have been computed and considered for the purpose of selection. The Selection Committee shall consists of following three members.

(1) Shri P.J.Raval,
Divisional Controller,
Ahmedabad.

(2) Shri B.B.Parekh,
Sr.Superintendent,
Central Workshop, S.T.,
Naroda.

(3) Shri Ratibhai Gordhanbhai Sureja,
Director, Board of Directors,
G.S.R.T. Corporation.

4.3 The Selection Committee has stated that the marks to be assigned by the Committee was only upto 30%, while 70% weightage was to be given for the purpose of marks obtained at the written test.

4.4 In the affidavit it was further submitted that the written examination was held on 6th June, 1993. Those who had secured 50% marks and above were called for further selection before the Selection Committee from 12th to 14th October, 1993. The division of the candidates who were called before the Selection Committee were as under:

(1) Ashrit Helper 13
(2) Ashrit Writer 1
(3) Ashrit Clerk 7
(4) Ashrit Security Assistant 1
(5) Art-B Tyre Fitter 2
(6) Art-B Car Painter 1
(7) Conductor 624

4.5 Thereafter a list of 223 candidates were prepared based upon merit. The members of the Selection Committee had considered each competing candidate and the Committee had considered the educational qualifications, experience and personality of the candidates competing for the selection and prepared the list for appointment to the post of Conductors. The list was prepared solely on the basis of merit consideration having regard to the marks obtained at the written test and at the oral interview. It was further stated that the petitioners were not found to be suitable and, therefore, they were not included in the list and offered appointment. It was further stated that 223 candidates have been offered appointment pursuant to the selection and all of them are necessary parties to the present petition. It was denied that no proper procedure has been adopted by the Selection Committee and further denied that the interviews were finished in two minutes as alleged.

4.6 The deponent of the affidavit has further stated that the first list of candidates that was prepared was of 189 candidates on the basis of merit on 14th October, 1993, and was submitted to the Central Office. It was further stated that the petitioners were not candidates who come up on merits. On 18th October, 1993, a list of 34 candidates was drawn based on the same merit. In view of the same, it was submitted that the Selection Committee had on relevant consideration based upon the GSO recommended the waiting list. It was denied that the selection is arbitrary as alleged. It was further stated that the selection process has been undertaken by the Committee in accordance with the standing orders and there is no breach of Articles 14 & 16 of the Constitution of India and, therefore, the decisions quoted by the petitioners are not applicable to the facts of the present case.

5. I have considered rival submissions of the petitioners as well as rival submission of the respondent. I have also gone through the affidavit filed by the Corporation. I have also considered GSO-999 of 1993 as well as circular issued by the Corporation. I have also considered the contention raised by the

petitioner. In my view the Corporation has filed a detailed affidavit and explained the position. In my view once the selection has been done by the Selection Committee without any bias then this Court has very limited jurisdiction in connection with the selection committee. The candidates are selected for the post of Conductors and they are best persons selected by the Committee on merit basis by taking written test as well as oral interview and, therefore, there is no substance in the petition. Hence the petition is rejected. Rule is discharged with no order as to costs.

(K.M. Mehta, J.)

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